

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

STEPHANIE FRATER, Individually and On Behalf
Of All Others Similarly Situated,

Plaintiffs,

v.

2:12-cv-07152-WY

HEMISPHERX BIOPHARMA, INC., WILLIAM
A. CARTER, DAVID STRAYER, and WAYNE
PAMBIANCHI,

Defendants.

ORDER

AND NOW, this 23rd day of January, 2014, upon consideration of Defendants' Motion to Dismiss the Consolidated Amended Complaint (Document No. 40), plaintiffs' response and defendants' reply, **IT IS HEREBY ORDERED** that defendants' motion is **DENIED**.

IT IS FURTHER ORDERED that the parties are directed to confer pursuant to Fed. R. Civ. P. 26(f) and file with the court within twenty days of the date hereof a written report outlining their joint proposed discovery plan, or, if there is none, their individual requests concerning a discovery plan.

/s William H. Yohn Jr.

William H. Yohn Jr., Judge